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RECENT DECISIONS

ASSIGNMENT—DISTRIBUTIVE SHARE OF ADMINISTRATOR—RIGHTS OF ASSIGNEE AGAINST SURETIES ON ADMINISTRATION BOND.—The assignee of the distributive share of an administrator, upon the commission of a devastavit by the administrator, brought suit against the sureties upon the administration bond. *Held*, defendant liable. *Muller v. National Surety Co.*, 154 N. Y. Supp. 1096. See NOTES, p. 235.

AUTOMOBILES—COLLISION—ABSENCE OF LICENSE—EFFECT.—The plaintiff's automobile, while not registered as required by law, was injured by a collision with the defendant's automobile, which was being driven in a careless and reckless manner. *Held*, the plaintiff can recover. *United Transp. Co. v. Hass*, 155 N. Y. Supp. 110.

The violation of the law by a person does not necessarily place him beyond the protection of the law, in such a manner as to prevent his recovering for an injury suffered while so acting. *Eagan v. Maguire*, 21 R. I. 189, 42 Atl. 506; *Welch v. Wesson*, 6 Gray (Mass.) 505. To effect that result the injured person's violation of the law must have had some causal connection with the injury suffered. *Opsahl v. Judd*, 30 Minn. 126, 14 N. W. 575. See *Atlantic Coast Line Ry. Co. v. Wier*, 63 Fla. 69, 58 South. 641, 41 L. R. A. (N. S.) 307. See also COOLEY, TORTS, 2nd ed., 178 *et seq.* It is generally held that the statutes requiring automobiles to be licensed are not passed to protect the public, but simply as a license tax imposed for the privilege of using the roads. *Hyde v. McCreery*, 145 App. Div. 729, 130 N. Y. Supp. 269. Hence the failure to have the automobile properly licensed is not considered as having contributed to the injury; and the injured party, if free from contributory negligence, is allowed to recover. *Armstead v. Lounsberry*, 129 Minn. 34, 151 N. W. 542, L. R. A. (1915D), 628; *Henning v. New Haven*, 82 Conn. 661, 74 Atl. 892, 25 L. R. A. (N. S.) 734, 18 Ann. Cas. 240; *Crossen v. Chicago & J. El. R. Co.*, 158 Ill. App. 42. See *Lindsay v. Cecchi*, 3 Boyce (Del.) 133, 80 Atl. 523, 35 L. R. A. (N. S.) 699. It will be noticed that laws requiring automobiles to be licensed are analogous to the "Sunday Laws," laws prohibiting travel on Sunday. By the great weight of authority a person could recover for an injury received while traveling on Sunday in violation of these statutes. *Philadelphia, etc., R. R. Co. v. Towboat Co.*, 23 How. 209; *Mahoney v. Cook*, 26 Pa. St. 342.

But the rule allowing a recovery for injuries inflicted on unlicensed automobiles, in the absence of contributory negligence, has not received the unanimous assent of the courts. In some jurisdictions they are regarded as trespassers on the highway, and the only duty owed them is to refrain from wanton and willful injury of them and their occupants. *Dudley v. Northampton St. Ry. Co.*, 202 Mass. 443, 89 N. E. 25, 23 L. R. A. (N. S.) 561; *Dean v. Boston El. Ry. Co.*, 217 Mass. 495, 105 N. E. 616.